

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KAREEM ARMSTRONG,)	
)	Civil Action No. 06 - 164
Plaintiff,)	
)	Judge Gary L. Lancaster /
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
LOUIS S. FOLINO, <i>Superintendent</i> ; CRAIG)	
HAYWOOD, <i>Security Lieutenant</i> , ODDO,)	
MAHLMEISTER, CAPPZO, JOHN DOE 1,)	
JOHN DOE 2, JOHN DOE 3, and RANIERI)	
Defendants.)	

MEMORANDUM ORDER

The above captioned case was initiated on February 6, 2006 by the filing of a Motion to Proceed In Forma Pauperis (doc. no. 1) accompanied by a Complaint. It was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (doc. no. 27), filed on February 7, 2007, respectfully recommended that Defendants' Motion to Dismiss or in the Alternative Motion for Summary Judgment (doc. no. 20) be granted. Plaintiff was served at SCI Forest and was advised that he was allowed ten (10) days from the date of service to file written objections. No objections were filed. On March 6, 2007, this Court granted Defendant's Motion to Dismiss or in the Alternative Motion for Summary Judgment and adopted the Report and Recommendation as the opinion of the court (doc. no. 28).

On March 7, 2007, Plaintiff filed a Motion for Extension of Time to File Objections

to the Magistrate's Report and Recommendation (doc. no. 29) complaining that the copy of the Report and Recommendation he received was partly illegible. On March 8, 2007, the Court mailed Plaintiff a clear copy of the Report and Recommendation. On March 12, 2007, the Court issued an Order granting Plaintiff's Motion for an extension of time until March 29, 2007 to file his objections. The order further advised Plaintiff that his failure to file objections would result in the Report being re-adopted. No objections were filed and on April 5, 2007, the Court again granted Defendant's Motion to Dismiss or in the Alternative Motion for Summary Judgment and adopted the Report and Recommendation as the opinion of the court (doc. no. 31).

On April 13, 2007, Plaintiff filed a Motion for Reconsideration for an extension of time to file objections to the Report and Recommendation (doc. 33). On April 23, 2007, the Court granted the Motion for Reconsideration and allowed Plaintiff until May 15, 2007 to file his objections (doc. no. 34). On May 11, 2007, Plaintiff filed a Motion to Object to Defendants' Motion to Dismiss or in the alternation [sic] Motion for Summary Judgment (doc. no. 35), which the Court construes to be Objections to the Report and Recommendation (doc. no. 36).

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following order is entered:


AND NOW, this 17th day of May, 2007;

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss or in the Alternative Motion for Summary Judgment (doc. no. 20) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 27) of Magistrate Judge Lenihan, dated February 7, 2007, is adopted as the opinion of the court.

IT IS FURTHER ORDERED that the Clerk of Court mark this Case as **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



Gary L. Lancaster
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

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